

AMENDED IN ASSEMBLY MAY 19, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1599

Introduced by Assembly Member Harman
(Coauthor: Assembly Member Koretz)

February 21, 2003

An act to amend ~~Section 14571 of, and to add Section 14571.05 to,~~
add, and repeal section 14571 of, and to add and repeal section
14571.05 of, the Public Resources Code, relating to the California
Beverage Container Recycling and Litter Reduction Act.

LEGISLATIVE COUNSEL'S DIGEST

AB 1599, as amended, Harman. California Beverage Container Recycling and Litter Reduction Act.

The existing California Beverage Container Recycling and Litter Reduction Act defines “convenience zone” for the purposes of the act and requires that every convenience zone be served by at least one certified recycling center, with specified operating hours. The act requires, if the recycling center consists of reverse vending machines or other unmanned automated equipment, that the equipment be properly functioning, accept all types of empty beverage containers at the recycling location, and pay posted refund values.

This bill would provide that a recycling center that is a supermarket site and consists of reverse vending machines or other automated equipment is open for business for purposes of the act if a dealer, as defined, authorizes the supermarket site to comply with specified

alternative operating requirements. The bill would require a supermarket site operating pursuant to the alternative requirements to comply with various conditions, including being operational at least 95% of operable time as defined, providing a receptacle adjacent to the reverse vending machine for certain types of beverage containers larger than 3 liters, and staffing the supermarket site at least 20 hours per week. *The bill would require the Department of Conservation to submit a report to the Legislature on or before July 1, 2008, regarding the effectiveness of reverse vending machines in maintaining or increasing recycling at supermarket sites.*

The bill would make its provisions contingent upon SB 23 being enacted and becoming effective, and provide that the bill's provisions shall remain in effect only until January 1, 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14571 of the Public Resources Code is
2 amended to read:
3 14571. (a) Except as otherwise provided in this chapter, there
4 shall be at least one certified recycling center or location within
5 every convenience zone which accepts and pays the refund value,
6 if any, at one location for all types of empty beverage containers
7 and is open for business during at least 30 hours per week with a
8 minimum of five hours of operation occurring during periods
9 other than from Monday to Friday, from 9 a.m. to 5 p.m.
10 (b) (1) Notwithstanding subdivision (a), the department may
11 require a certified recycling center to operate 15 of its 30 hours of
12 operation other than during 9 a.m. to 5 p.m.
13 (2) Notwithstanding subdivision (a) and paragraph (1), the
14 department may certify a recycling center that will operate less
15 than 30 hours per week, if all of the following conditions are met:
16 (A) The recycling center is in a rural region. For purposes of
17 this subparagraph, "rural region" means a nonurban area
18 identified by the department on an annual basis using Farmers
19 Home Loan Administration criteria. Those criteria include, but are
20 not limited to, places, open country, cities, towns, or census
21 designated places with populations that are less than 10,000
22 persons. The department may designate an area with a population

1 of between 10,000 and 50,000 persons as a rural region, unless the
2 area is identified as part of, or associated with, an urban area, as
3 determined by the department on an individual basis.

4 (B) The recycling center agrees to post a sign indicating the
5 location of the nearest recycling center that is open at least 30 hours
6 per week and that will accept all material types.

7 (C) The needs of the community and the goals of this division
8 will be best served by certification of the operation as a recycling
9 center.

10 (c) Before establishing operating hours for a certified recycling
11 center pursuant to subdivision (b), the department shall make a
12 determination that this action is necessary to further the goals of
13 this division and that the proposed operating hours will not
14 significantly decrease the ability of consumers to conveniently
15 return beverage containers for the refund value to a certified
16 recycling center redeeming all material types.

17 (d) For purposes of this section, if the recycling center is staffed
18 and is not a reverse vending machine, a center is “open for
19 business” if all of the following requirements are met:

20 (1) An employee of the certified recycling center or location is
21 present during the hours of operation and available to the public
22 to accept containers and to pay the refund values.

23 (2) In addition to the sign specified in subdivision (h), a sign
24 having a minimum size of 2' by 2' is posted at the certified
25 recycling center or location indicating that the center or location
26 is open. Where allowed by local zoning requirements or where
27 zoning restrictions apply, the sign shall be of the maximum
28 allowable size.

29 (3) The prices paid, by weight or per container, are posted at the
30 location.

31 (e) Except as provided in subdivision (f), for the purpose of this
32 section, if the recycling center consists of reverse vending
33 machines or other unmanned automated equipment, the center is
34 “open for business” if the equipment is properly functioning,
35 accepting all types of empty beverage containers at the recycling
36 location, and paying posted refund values no less than the
37 minimums required by this division.

38 (f) If a recycling center consists of reverse vending machines
39 or other automated equipment, the recycling center is “open for
40 business” if it meets either of the following requirements:

(1) The equipment is properly functioning and accepting all types of empty beverage containers at one physical recycling location within the recycling location.

(2) The equipment accepts all types of empty beverage containers, except those beverage containers that are labeled with a “2” as specified in subdivision (a) of Section 18015 and are larger than three liters, and the supermarket site where the equipment is located complies with all of the following:

(A) The operator of the supermarket site inspects the supermarket site at least once each day to maintain ~~the machines, merchandise the material, and empty the machines~~ and ensure that the site is kept clean.

(B) The supermarket site makes monthly service records available to the department, showing the number of complaints per site, if any, and the response time for each service call.

(C) (i) The supermarket site is operational at least 95 percent of operable time.

(ii) For purposes of this paragraph, “operable time” means the actual operating hours, divided by the total hours the supermarket site is required to be open for business each month. A supermarket site’s operable hours shall be determined consistent with the supermarket’s operational hours, subject to applicable curfew requirements imposed by local ordinance.

~~(D) The supermarket site is inoperative no more than once a month, and if that breakdown rate is exceeded, the supermarket site replaces the reverse vending machine within three business days.~~

~~(E) The supermarket site responds to a complaint of a broken vending machine within five business hours of receiving a notice of a breakdown by a consumer, the dealer, or the department.~~

~~(F)–~~

(D) The supermarket site repairs a reverse vending machine within five business hours in response to a complaint by a consumer, the dealer, or the department, that the recycling center is not operational during operable hours.

(E) The supermarket site provides a receptacle adjacent to the reverse vending machine for empty beverage containers that are labeled with a “2” as specified in subdivision (a) of Section 18015 and that are larger than three liters. This receptacle shall state the

1 hours in which a consumer may return the container to the site and
2 receive a redemption payment.

3 ~~(G)~~

4 (F) The operator of the supermarket site has an attendant
5 present at the supermarket site a minimum of 20 hours per week,
6 including no fewer than three hours on a Saturday or a Sunday
7 between the hours of 9 a.m. and 5 p.m. and no fewer than three
8 evening hours between the hours of 5 p.m. and 9 p.m. during one
9 weekday evening.

10 ~~(H)~~

11 (G) The operator of the supermarket site provides instructions
12 for use of the reverse vending machine at the supermarket site in
13 appropriate languages and in pictorial representations
14 demonstrating how to use the reverse vending machine.

15 ~~(I)~~

16 (H) The operator of the supermarket site maintains a *toll-free*
17 telephone number *attended by a live operator* during operable time
18 to answer calls from any person regarding the performance of its
19 reverse vending machine.

20 ~~(J)~~

21 (I) The operator of the supermarket site posts information
22 identifying the location of, *and directions to*, the nearest certified
23 recycling center, *subject to the approval of the dealer at the*
24 *supermarket site*.

25 (g) Whenever a recycling center which is a reverse vending
26 machine is not “open for business” during the 30 hours of
27 operation required and posted pursuant to this section and Section
28 14570, the dealer which is hosting the reverse vending machine at
29 its place of business shall redeem all empty beverage container
30 types at all open cash registers or one designated location in the
31 store, as specified on the sign required pursuant to subdivision (h).

32 (h) In addition to the sign specified in paragraph (2) of
33 subdivision (d), each reverse vending machine shall be posted with
34 a clear and conspicuous sign on or near the reverse vending
35 machine which states that beverage containers may be redeemed
36 by the host dealer if the machine is nonoperational at any time
37 during the required 30 hours of operation, pursuant to subdivision
38 (g). The department shall determine the size and location of the
39 sign and the message required to be printed on the sign.

(i) On or before July 1, 2008, the department shall provide a report to the Legislature on the effectiveness of reverse vending machines in maintaining or increasing recycling at supermarket sites. The study shall include, but not be limited to, a comparison of recycling volumes, by container type, at supermarket sites without reverse vending machines and sites offering reverse vending machine service. The study shall be conducted by an independent contractor, as identified by the department.

(j) This section shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2009, deletes or extends that date.

SEC. 2. Section 14571 is added to the Public Resources Code, to read:

14571. (a) Except as otherwise provided in this chapter, there shall be at least one certified recycling center or location within every convenience zone which accepts and pays the refund value, if any, at one location for all types of empty beverage containers and is open for business during at least 30 hours per week with a minimum of five hours of operation occurring during periods other than from Monday to Friday, from 9 a.m. to 5 p.m.

(b) (1) Notwithstanding subdivision (a), the department may require a certified recycling center to operate 15 of its 30 hours of operation other than during 9 a.m. to 5 p.m.

(2) Notwithstanding subdivision (a) and paragraph (1), the department may certify a recycling center that will operate less than 30 hours per week, if all of the following conditions are met:

(A) The recycling center is in a rural region. For purposes of this subparagraph, "rural region" means a nonurban area identified by the department on an annual basis using Farmers Home Loan Administration criteria. Those criteria include, but are not limited to, places, open country, cities, towns, or census designated places with populations that are less than 10,000 persons. The department may designate an area with a population of between 10,000 and 50,000 persons as a rural region, unless the area is identified as part of, or associated with, an urban area, as determined by the department on an individual basis.

(B) The recycling center agrees to post a sign indicating the location of the nearest recycling center that is open at least 30 hours per week and that will accept all material types.

1 (C) *The needs of the community and the goals of this division*
2 *will be best served by certification of the operation as a recycling*
3 *center.*

4 (c) *Before establishing operating hours for a certified recycling*
5 *center pursuant to subdivision (b), the department shall make a*
6 *determination that this action is necessary to further the goals of*
7 *this division and that the proposed operating hours will not*
8 *significantly decrease the ability of consumers to conveniently*
9 *return beverage containers for the refund value to a certified*
10 *recycling center redeeming all material types.*

11 (d) *For purposes of this section, if the recycling center is staffed*
12 *and is not a reverse vending machine, a center is “open for*
13 *business” if all of the following requirements are met:*

14 (1) *An employee of the certified recycling center or location is*
15 *present during the hours of operation and available to the public*
16 *to accept containers and to pay the refund values.*

17 (2) *In addition to the sign specified in subdivision (h), a sign*
18 *having a minimum size of two feet by two feet is posted at the*
19 *certified recycling center or location indicating that the center or*
20 *location is open. Where allowed by local zoning requirements or*
21 *where zoning restrictions apply, the sign shall be of the maximum*
22 *allowable size.*

23 (3) *The prices paid, by weight or per container, are posted at*
24 *the location.*

25 (e) *Except as provided in subdivision (f), for the purpose of this*
26 *section, if the recycling center consists of reverse vending*
27 *machines or other unmanned automated equipment, the center is*
28 *“open for business” if the equipment is properly functioning,*
29 *accepting all types of empty beverage containers at the recycling*
30 *location, and paying posted refund values no less than the*
31 *minimums required by this division.*

32 (f) *If a recycling center consists of reverse vending machines or*
33 *other automated equipment, the recycling center is “open for*
34 *business” if the equipment is properly functioning and accepting*
35 *all types of empty beverage containers at one physical recycling*
36 *location within the recycling location.*

37 (g) *Whenever a recycling center which is a reverse vending*
38 *machine is not “open for business” during the 30 hours of*
39 *operation required and posted pursuant to this section and Section*
40 *14570, the dealer which is hosting the reverse vending machine at*

1 *its place of business shall redeem all empty beverage container*
2 *types at all open cash registers or one designated location in the*
3 *store, as specified on the sign required pursuant to subdivision (h).*

4 *(h) In addition to the sign specified in paragraph (2) of*
5 *subdivision (d), each reverse vending machine shall be posted with*
6 *a clear and conspicuous sign on or near the reverse vending*
7 *machine which states that beverage containers may be redeemed*
8 *by the host dealer if the machine is nonoperational at any time*
9 *during the required 30 hours of operation, pursuant to subdivision*
10 *(g). The department shall determine the size and location of the*
11 *sign and the message required to be printed on the sign.*

12 *(i) This section shall become operative on January 1, 2009.*

13 SEC. 3. Section 14571.05 is added to the Public Resources
14 Code, to read:

15 14571.05. (a) A certified recycler may operate under
16 paragraph (2) of subdivision (f) of Section 14571 if a dealer where
17 the supermarket site is located certifies to the department in
18 writing that it has authorized the recycling center to operate under
19 the conditions specified in paragraph (2) of subdivision (f) of
20 Section 14571.

21 (b) Within seven calendar days of receiving a written request
22 from the dealer who certified the recycler pursuant to subdivision
23 (a), to disqualify the certified recycler from operating under the
24 conditions specified in paragraph (2) of subdivision (f) of Section
25 14571, the department shall disqualify that certified recycler.

26 ~~(c) Notwithstanding subdivision (g) of Section 14571, if a~~
27 ~~supermarket site operating under paragraph (2) of subdivision (f)~~
28 ~~of Section 14571 is inoperable during its operable time, as defined~~
29 ~~by clause (ii) of subparagraph (C) of paragraph (2) of subdivision~~
30 ~~(f) of Section 14571, the dealer at the supermarket site may not be~~
31 ~~required to redeem any empty beverage containers during that~~
32 ~~time.~~

33 (c) *This section shall remain in effect only until January 1,*
34 *2009, and as of that date is repealed, unless a later enacted statute,*
35 *that is enacted before January 1, 2009, deletes or extends that date.*

36 SEC. 4. *This act shall become operative only if Senate Bill No.*
37 *23 of the 2003–04 Regular Session is enacted and becomes*
38 *effective on or before January 1, 2004.*